

**IN THE INCOME TAX APPELLATE TRIBUNAL, DELHI 'F' BENCH,  
NEW DELHI**

**BEFORE SHRI YOGESH KUMAR US, JUDICIAL MEMBER, AND  
SHRI NAVEEN CHANDRA, ACCOUNTANT MEMBER**

ITA No. 520/DEL/2017 [A.Y 2011-12]

ITA No. 521/DEL/2017 [A.Y 2012-13]

The A.C.I.T  
Central Circle -04  
New Delhi

Vs.

M/s Tecpro System Ltd  
R/o Plot No. 78, Sector 34  
N.H. 08, Gurgaon, Haryana

PAN: AABCT 4355 K

(Applicant)

(Respondent)

Assessee By : None

Department By : Shri Amit Jain, CIT- DR

**Date of Hearing : 16.12.2025**

**Date of Pronouncement : 16.01.2026**

**ORDER**

**PER NAVEEN CHANDRA, ACCOUNTANT MEMBER:-**

The above captioned two separate appeals by the Revenue are preferred against the order of the ld. CIT(A)-23, New Delhi dated 25.11.2016 pertaining to A.Ys. 2011-12 and 2012-13 respectively.

2. None appeared on behalf of the assessee. We decided to proceed ex-parte with the assistance of the ld. DR who was heard at length. Case records carefully perused.

3. The solitary grievance raised by the Revenue in both the appeals is the deletion of addition made by the Assessing Officer on account of bogus expenses claimed by the assessee company. In A.Y 2012-13, the Revenue has raised another ground pertaining to deletion of addition on account of undisclosed income.

4. At the very outset, the ld. DR pointed out to the order of the National Company Law Tribunal [NCLT] delivered on 15.05.2019 wherein the NCLT has approved the Resolution Plan u/s 31 of the Insolvency and Bankruptcy Code, 2016 against the assessee.

5. We have heard the submissions and have perused the relevant material on record. We find that the NCLT u/s 31 of the provisions of the Insolvency and Bankruptcy Code, 2016 (I & B Code], has approved the Resolution Plan. In such a situation, we are of the considered view that by virtue of the order of NCLT which accepted the application filed against the assessee for initiating proceedings under IBC, no parallel proceedings under Income Tax Act can be undertaken and therefore the appeal of the Revenue cannot survive.

6. We are fortified in our observation by the decision of the Mumbai Bench of the Tribunal in the case of *Pratibha Industries Ltd. Vs. DCIT* (142 taxmann.com 295) taking note of the decision of the Hon'ble Apex Court in the case of *Pr.CIT Vs. Monnet Ispat & Energy Ltd.* (107 taxmann.com 481) wherein the Hon'ble Apex Court held that IBC has an overriding effect over the provisions of IT Act and dismissed the appeals of the Revenue as well as the Assessee as the proceedings under Insolvency and Bankruptcy Code 2016 were initiated on the assessee. Therefore, the proceedings under I.T. Act in the case of assessee can no longer continue. Accordingly, the grounds of the Revenue in both the A.Ys are dismissed.

7. The appeals filed by the Revenue however, are hereby dismissed with the liberty to the Revenue to file miscellaneous application for recall of this order once the assessee is declared that it is out of the purview of IBC proceedings under Insolvency and Bankruptcy Code 2016, as and when situation arises.

8. In the result, appeals of the Revenue in ITA Nos. 520 and 521/DEL/2017 are dismissed.

The order is pronounced in the open court on 16.01.2026.

Sd/-

[YOGESH KUMAR U.S.]  
JUDICIAL MEMBER

Dated: 16<sup>th</sup> JANUARY, 2026.

Sd/-

[NAVEEN CHANDRA]  
ACCOUNTANT MEMBER

VL/

Copy forwarded to:

1. Appellant
2. Respondent
3. CIT
4. CIT(A)
5. DR

Asst. Registrar,  
ITAT, New Delhi

Sl No.	PARTICULARS	DATES
1.	<i>Date of dictation of Tribunal Order</i>	
2.	<i>Date on which the typed draft order is placed before the Dictating Member</i>	
3.	<i>Date on which the typed draft order is placed before the other Member [in case of DB]</i>	
4.	<i>Date on which the approved draft order comes to the Sr. P.S./P.S.</i>	
5.	<i>Date on which the fair Order is placed before the Dictating Member for sign</i>	
6.	<i>Date on which the fair order is placed before the other Member for sign [in case of DB]</i>	
7.	<i>Date on which the Order comes back to the Sr. P.S./P.S for uploading on ITAT website</i>	
8.	<i>Date of uploading, inf not, reason for not uploading</i>	
9.	<i>Date on which the file goes to the Bench Clerk</i>	
10.	<i>Date on which the file goes for Xerox</i>	
11.	<i>Date on which the file goes for endorsement</i>	
12.	<i>The date on which the file goes to the Superintendent for checking</i>	
13.	<i>Date on which the file goes to the Assistant Registrar for signature on the order</i>	
14.	<i>Date on which the file goes to the dispatch section for dispatch the Tribunal order</i>	
15.	<i>Date of Dispatch of the Order</i>	
16.	<i>Date on which the file goes to the Record Room after dispatch the order</i>	